

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

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March 4, 2003

FROM: **MARCEL TURNER**, Director  
Human Resources

SUBJECT: **RESOLUTION TO ADOPT PROVISIONS OF GOVERNMENT CODE 3508(c)  
RELATING TO PROBATION CORRECTIONS OFFICERS AND SUPERVISORS**

RECOMMENDATION: Adopt resolution, as on file with the Clerk of the Board, making the provisions of Government Code Section 3508(c) applicable to designate Probation Corrections Officers and Supervising Probation Correction Officers peace officers for purposes of bargaining unit determinations.

BACKGROUND INFORMATION: In May 2001, the San Bernardino County Safety Employees' Benefit Association (SEBA) submitted petitions to move Probation Corrections Officers and Probation Corrections Supervisors I and II from the Administrative Services and the Supervisory Units to the Specialized Peace Officer and Specialized Peace Officer—Supervisory Units respectively. Those petitions were rejected, in part, due to a legal prohibition against moving non-peace officers into a peace officer-only bargaining unit. While Probation Corrections Officers and Supervisors are considered peace officers under the Penal Code, they were not considered peace officers under Government Code 3500, et seq. (the Meyers-Milias-Brown Act, which governs collective bargaining rights of public employees). Section 3508 provides rights for peace officers to join or participate in employee organizations comprised only of other peace officers.

SEBA contested the rejection of their petitions to an arbitrator. The arbitrator found for the County. In response to that decision, legislation (AB 105) was amended to provide for Probation Corrections Officers to be considered peace officers under Section 3508 upon the San Bernardino County Board of Supervisors' adoption of an ordinance or resolution making the relevant subdivision operative and, upon making it operative, to have the change apply to the petitions filed in May 2001. The Governor approved the bill and it was enacted on January 1, 2003. SEBA is now requesting that the Board adopt a resolution and reactivate the May 2001 petitions.

Should the Board adopt this resolution, the rejected petitions would be reactivated. The Human Resources Department would then make a determination as to their sufficiency and would either accept or reject the petitions. If accepted, the affected parties would be notified. If a party were to contest the petition and submit an adequate showing of support of that contest, an arbitration hearing would be held regarding the sufficiency of the petition. If no contest is received or if an arbitrator finds the petition sufficient, an arbitration decision would be required to determine appropriateness of the unit change. Should the petitions be rejected, SEBA would have a right to dispute this determination to an arbitrator.

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Should the unit modification occur, employees in these classifications would be moved to the Specialized Peace Officer Units and SEBA would become their authorized exclusive representative. It should be noted that the employees' salary, benefits and working conditions would continue to be governed by the terms and conditions of their existing memorandum of understanding with SBPEA.

REVIEW BY OTHERS: This item has been reviewed by County Counsel (W. Andrew Hartzell, Deputy County Counsel) on February 18, 2003 and the County Administrative Office (Daniel R. Kopp, Administrative Analyst) on February 24, 2003.

FINANCIAL IMPACT: This item could result in costs for arbitration hearings and postage for notifications as outlined above. These costs are included in the fiscal year 2002-03 Human Resources Department budget (AAA HRD).

SUPERVISORIAL DISTRICTS: All

PRESENTER: Elizabeth Sanchez, Employee Relations Chief, 387-6051

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